



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES
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Testimony of the Office of Protection and Advocacy for Persons with Disabilities Before the Committee on Children

Presented by: James D. McGaughey
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March 6, 2012

Good morning and thank you for this opportunity to comment on **Raised Bill No. 5347, An Act Concerning the Reporting of Children Placed in Seclusion.**

This Bill would amend Chapter 814e of the General Statutes, which defines, and set limits on the use of "physical restraint, medication and seclusion of persons receiving care, education or supervision in a school, institution or facility." More specifically, it would clarify requirements for reporting incidents of restraint and seclusion by local and regional school districts to the State Board of Education (SBE), and make the reporting of restraint and seclusion-related injuries mandatory. It would also require the SBE to produce an annual summary report on the frequency with which special education students have been restrained and secluded, which would be included in the State's Annual Report Card on Policies and Programs Affecting Children.

Since 2007, Connecticut law has required school districts to record each instance of restraint and seclusion, and to make their own annual compilation. However, under our current statutory scheme, the reporting of injuries related to restraint and seclusion by local and regional school districts is optional, as is the preparation of an annual summary by SBE. In fact, the one attempt the State Department of Education (SDE) has made to amass data on certain aspects of restraint/seclusion practices of school districts produced very troubling information – troubling both for the large numbers of incidents reported (18,334 during school year 2009-10), and for what SDE is quick to point out is the highly problematic nature of the data itself. It is clear that districts are not recording and compiling frequency data or categorizing incidents in any kind of uniform way – a fact which makes it impossible to establish baselines and conduct meaningful analysis. But, over 18,000 "somethings" were reported, a fact which should make us all pause and start asking questions.

Given the human and civil rights implications of these practices, and the potential they create for psychological trauma and physical injury, we absolutely need a clear picture of the frequency with which they are being employed on Connecticut school children. However, informing policy makers is only part of the reason this Bill is important. Tracking and analyzing data regarding the use of restraint and seclusion is one of the "six core strategies" recommended for reducing reliance on these practices at the individual program level. The six core strategies have been developed by the federal Substance Abuse and Mental Health Services Administration, and by a variety of professional associations because consensus has emerged that neither restraint or seclusion offer any therapeutic or educational value,

and their use needs to be reduced and, if possible, eliminated. Resorting to restraint may sometimes be necessary to prevent someone from injuring himself or others. But, there is consensus amongst national organizations that having to use either restraint or seclusion always indicates that there has been some kind of treatment failure. Even when they are used as a safety intervention, there is always a risk that someone will get hurt anyway. So if the data gathered pursuant to this Bill's requirements indicates that there are outliers – schools that are heavy users of restraint and seclusion, whereas others may not use them at all – we can use that information to study and improve practices, and hopefully, keep children safer.

I would urge you to consider amending the bill to include one more feature: the elimination of the existing statutory language which allows the planned use of seclusion to be written into a special education student's Individual Education Program (IEP). As mentioned previously, the practice of involuntary seclusion – placing a child into a room and not letting that child out – is not considered to be effective "evidence based practice". It is far more likely to produce resentment, psychological trauma and even physical injury than it is to help a child acquire the skills he or she may need to learn in order to succeed in school or life. Giving statutory permission to write a plan for seclusion into an IEP suggests that the practice has some kind of legitimate educational value. That suggestion is unwarranted by the evidence, and, to the extent it may encourage school personnel to rely on seclusion as a means of managing their environments, it may actually be interfering with their developing awareness of alternative approaches. A number of other states have banned the use of seclusion as a planned part of student's educational programs, and some have even banned its use altogether. Connecticut children deserve no less protection.

Thank you for your attention. If there are any questions, I will try to answer them.